

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

Pinnacle Employee Services, Inc., a  
California Corporation; Michael Allen, an  
individual

Plaintiffs,

vs.

Pinnacle Holding Company, LLC, a  
Delaware Limited Liability Company

Defendant.

Case No.: 2:22-cv-01367-CKD

**ERIC D. KROUSE**, under penalty of perjury and pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am the Chief Operating Officer of Defendant Pinnacle Holding Company, LLC (“PHC” or “Defendant”). I have held this position since February 17, 2012.

2. I submit this Declaration in support of the Defendant’s motion to dismiss the Complaint.

3. PHC is a Delaware Limited Liability Company with its headquarters and only physical office in Syracuse, New York.

4. PHC is a holding company that does not engage in business of its own accord. PHC does not have any customers or clients of its own. PHC does not sell or offer for sale any goods or services.

5. PHC has seven employees, all based in Syracuse, New York. It does not own any real estate.

6. PHC does not have any presence or conduct any business whatsoever in California. It is not registered to do business in California, it does not have any contracts with any California entity or business, and no person has ever travelled to California on PHC’s behalf.

7. PHC has never advertised, marketed or solicited business in any capacity, and certainly not in California.

8. PHC is a holding company for several subsidiaries, but it maintains corporate formalities and structures between and among all such operating entities.

9. Several of PHC's subsidiaries, or corporate predecessors, have been using the PINNACLE name since as early as 1996 in the financial and benefits industries.

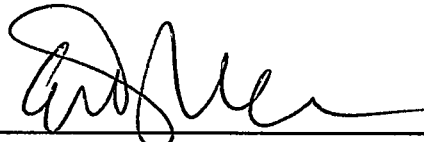
10. However, as a non-operating, holding company, PHC does not use the trademark in question, PINNACLE EMPLOYEE SERVICES.

11. Rather, one of PHC's wholly-owned subsidiaries, Pinnacle Employee Services, LLC ("PES LLC") was formed under that name and has been engaged in commerce under that name since it was formed on July 17, 2014. PES, LLC is a Delaware Limited Liability Company.

12. PES LLC has its own Board of Directors and its own officers. Mark Pietrowski is the Chief Executive Officer of PES LLC.

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct.

Dated: November 1<sup>st</sup>, 2022

  
ERIC D. KROUSE